

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**Docket Number (Optional)  
NVDA/P000860

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Application Number  
10/731,602

Filed  
December 9, 2003

First Named Inventor  
Paul J. GYUGYI

Art Unit  
2609

Examiner  
Maglo, Emmanuel K.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/98)

☒ attorney or agent of record.

Registration number 52,371

☐ attorney or agent acting under 37 CFR 1.34.

Registration number \_\_\_\_\_

  
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March 28, 2008

Date

☒ \*Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
GYUGYI, et al.	§	Confirmation No.: 4738
Serial No.: 10/731,602	§	Group Art Unit: 2609
	§	
Filed: December 9, 2003	§	Examiner: Maglo, Emmanuel K.
For: STORING AND ACCESSING	§	
TCP CONNECTION	§	
INFORMATION		

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**PRE-APPEAL CONFERENCE BRIEF**

In conjunction with the Pre-Appeal Brief Request for Review filed herewith, Applicant requests a Panel review of the Final Rejection in this matter (see the Final Office Action dated December 28, 2007). Although the remarks herein are focused on a specific factual issue raised by the rejection, nothing in this paper is meant to limit the scope of any arguments, either factual or legal, that Applicant may later present in a full appeal brief.

**QUESTIONS FOR REVIEW**

The Examiner has rejected pending claims 1, 2, 4-8, 10-14, 15, and 17-30. Claims 1, 2, 4-8, 10-14, 15, and 17-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikado et al. (US Pub No. 2003/0188013 A1) in view of Elzur et al. (US 6,629,125). Claims 22-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikado and Elzur further in view of Craft (US Pub No.2002/0091844 A1). The Examiner's rejections are respectfully traversed. Specifically, Applicants disagree with the Examiner's position that the combination of Nishikado, Elzur, and Craft teach or suggest the limitations of a connection that is selected by a TCP stack for processing.

## ARGUMENTS SUBMITTED

Claim 1 recites the limitation that the TCP stack selects the connection processing by an offload unit. Nishikado, Elzur, and Craft fail to teach or suggest this limitation.

In contrast to the recited limitations, the data forwarding apparatus of Nishikado forwards requests and data between endpoints of a connection at an HTTP level and does not teach or suggest a TCP stack. Nowhere does Nishikado teach or suggest that connections are selected for processing. Therefore, the Nishikado reference fails to teach or suggest the limitation that a connection is selected by a TCP stack for processing by the offload unit.

Similarly, Elzur fails to teach or suggest the limitation that a connection is selected by a TCP stack for processing by the offload unit. Elzur describes processing connections using a TCP stack, but does not teach or suggest that the connections are selected for processing by the TCP stack. Craft also fails to teach or suggest connections that are selected for processing by a TCP stack, extracting TCP payload data from a request, and uploading TCP payload data to a memory.

Since none of the references cited by the Examiner teaches or suggests a TCP stack configured to select connections for processing by an offload unit, claim 1, and claims 2, 4-8, 10-14, and 29 dependent thereon, are patentable over any combination of Nishikado, Elzur, and Craft.

Furthermore, combining the network controller of Elzur with the data forwarding apparatus of Nishikado does not in any way contribute to the data forwarding functionality of the data forwarding apparatus disclosed in Nishikado. The data forwarding apparatus is configured to receive data communications and forward the data communications to an endpoint (client or server) based on priority token information that is stored in the connection management table (see paragraph [0083] of Nishikado). Modifying the data forwarding apparatus to extract the data from the communications and upload the data to memory is therefore unnecessary. The unnecessary uploading of data to memory needlessly consumes memory bandwidth without providing any real benefit.

Claim 2 recites the limitation of copying a portion of the second frame into a portion of the entry in the delegated connection table. As stated by the Examiner, Nishikado describes setting the process privilege depending on the client or destination address. Setting a value in a table entry based on data in the frame is not the same as copying the actual data from the frame into the table entry. Therefore, Nishikado fails to teach or suggest the limitation recited in claim 2 of the present application. Elzur and Craft each fail to disclose copying data from a frame into a table entry. Therefore, claim 2 is patentable over any combination of Nishikado, Elzur, and Craft.

Claim 5 recites the limitation of notifying the TCP stack when payload data is uploaded. As previously explained, Nishikado does not teach or suggest a TCP stack. Craft and Elzur each fail to teach or suggest the limitation of notifying a TCP stack. Therefore, claim 5 is patentable over any combination of Nishikado, Elzur, and Craft.

Claim 10 recites the limitation that the payload data is uploaded to the legacy buffer when a user buffer is not available. As supported in the present application, rather than waiting for a user buffer to become available, the claimed offload unit uploads payload data for delegated connections to a legacy buffer, minimizing the need to buffer the payload data within the offload unit. Nishikado fails to teach or suggest this limitation. Elzur and Craft each fail to teach or suggest a situation where a buffer is not available to receive payload data. Therefore, claim 10 is patentable over any combination of Nishikado, Elzur, and Craft.

Claim 14 recites the limitation of determining that an ACK number in a frame is more advanced than a sequence number that is stored in a table entry and copying the ACK number to the entry. Importantly, as claimed, the ACK number is in a frame of the connection, not from the delegated connection table. The ACK number is copied from the frame to the delegated connection table to replace the sequence number when the ACK number is more advanced than the sequence number. As noted by the Examiner, Nishikado describes extracting the connection management table entries sequentially (process 1064) to compare the destination to the destination information 51 of the request (see paragraphs [0148]-[0152] of Nishikado). Nowhere does Nishikado describe copying destination information 51 to the connection management table entry. Elzur and Craft also fail to teach or suggest the limitations recited in claim 14 of the

present application. Therefore, claim 14 is patentable over any combination of Nishikado, Elzur, and Craft.

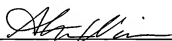
Claims 15 and 22 each recites the limitation of a connection data portion of a delegated connection table that stores an expected sequence number, an acknowledgment number, timestamp data, and a count of unACKnowledged frames. Nishikado fails to teach or suggest that the delegated connection table stores an expected sequence number, an acknowledgment number, timestamp data, and a count of unACKnowledged frames. As shown in Figure 4 of Nishikado and described in paragraph [0080], the disclosed delegated connection table stores a destination field, a next hop, a maximum connection number field, a connection number field, a maximum queueing number field, a maximum wait time field, a maximum wait frequency field, a request queue, and priority token updating condition information. Therefore, the Examiner relies on Figure 3 of Elzur for the teaching of storing an expected sequence number, an acknowledgment number, timestamp data, and a count of unACKnowledged frames. Figure 3 illustrates the fields of a network protocol header of a packet, but the figure does not show an expected sequence number, timestamp data, or a count of unACKnowledged frames. More importantly, nowhere does Elzur teach or suggest storing the frame headers in a delegated connection table. The illustration of a protocol header does not rise to the level of a teaching required to anticipate or render obvious the pending claims. With respect to Craft, a careful reading of this reference reveals that it does not teach or suggest an expected sequence number, an acknowledgment number, timestamp data, and a count of unACKnowledged frames and therefore fails to cure the deficiencies of Nishikado and Elzur relative to claims 15 and 22.

Claims 29 and 30 include the limitation of modifying/updating of connection state data that includes clearing an unACKnowledged count, updating the ACK number with a last ACKnowledged number, and updating the expected sequence number with an incremental sequence number. Neither Nishikado, Elzur, nor Craft teach or suggest clearing an unACKnowledged count, updating the ACK number with a last ACKnowledged number, and updating the expected sequence number with an

incremental sequence number. Therefore, claims 29 and 30 are patentable over those references.

All of the claims currently pending in the application are therefore patentable over Hayes. In view of these clear distinctions, reconsideration and allowance of all the claims is respectfully requested.

Respectfully submitted,



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